

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

**GEOTAG, INC.**

**v.**

**EYE CARE CENTERS OF  
AMERICA INC., ET AL.**

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**Case No. 2:11-cv-404**

**ORDER GRANTING SEVERANCE**

Before the Court is Defendants' Notice of Joinder (Doc. No. 110) in Defendants Coldwater Creek Inc., Draper's & Damon's, LLC, and J. Crew Group, Inc.'s Motion to Dismiss for Misjoinder in *GeoTag, Inc. v. Circle K Stores, Inc.*, Case No. 2:11-cv-405 (E.D. Tex. filed Sept. 13, 2011). For the reasons stated in the Court's Order Granting Severance in *GeoTag, Inc. v. Circle K Stores, Inc.*, Case No. 2:11-cv-405 (E.D. Tex. filed Sept. 13, 2011) (Doc. No. 426), the Court **ORDERS** that the claims in the Amended Complaint (Doc. No. 10) in this case be severed in the following manner:

- Plaintiff's claims against Defendant **EYE CARE CENTERS OF AMERICA INC.** should remain pending in Cause Number 2:11-cv-404.
- Plaintiff's claims against Defendant **AMERICAN GREETINGS CORPORATION** should be severed into the next available case number.
- Plaintiff's claims against Defendant **HALLMARK CARDS, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **HICKORY FARMS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **SPENCER GIFTS LLC** should be severed into the next available case number.

- Plaintiff's claims against Defendant **INTERNATIONAL COFFEE & TEA, LLC D/B/A THE COFFEE BEAN & TEA LEAF** should be severed into the next available case number.
- Plaintiff's claims against Defendant **THINGS REMEMBERED, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **THE YANKEE CANDLE COMPANY, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BOSE CORPORATION** should be severed into the next available case number.
- Plaintiff's claims against Defendant **GUITAR CENTER INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **PROGRESSIVE CONCEPTS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **24 HOUR FITNESS WORLDWIDE INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BALLY TOTAL FITNESS CORPORATION** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BARE ESCENTUALS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BIOSCRIP INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **CRABTREE & EVELYN** should be severed into the next available case number.
- Plaintiff's claims against Defendant **CURVES INTERNATIONAL, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **GOLD'S GYM INTERNATIONAL INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **GREAT CLIPS INC.** should be severed into the next available case number.

- Plaintiff's claims against Defendant **L.A. FITNESS INTERNATIONAL LLC** should be severed into the next available case number.
- Plaintiff's claims against Defendant **LIFE TIME FITNESS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **M.A.C. COSMETICS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **MERLE NORMAN COSMETICS** should be severed into the next available case number.
- Plaintiff's claims against Defendant **VITAMIN COTTAGE NATURAL FOOD MARKETS, INC. D/B/A NATURAL GROCERS BY VITAMIN COTTAGE** should be severed into the next available case number.
- Plaintiff's claims against Defendant **REGIS CORPORATION** should be severed into the next available case number.
- Plaintiff's claims against Defendant **SALLY BEAUTY SUPPLY LLC** should be severed into the next available case number.
- Plaintiff's claims against Defendant **SEPHORA USA INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **TONI&GUY USA, LLC** should be severed into the next available case number.
- Plaintiff's claims against Defendant **ULTA SALON, COSMETICS & FRAGRANCE, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **VITAMIN SHOPPE INDUSTRIES, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **EYEMART EXPRESS, LTD.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **LUXOTTICA RETAIL NORTH AMERICA INC.** should be severed into the next available case number.

- Plaintiff's claims against Defendant **NATIONAL VISION INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **U.S. VISION INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **WILD BIRDS UNLIMITED INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **JOS. A. BANK CLOTHIERS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BUTH-NA-BODHAIGE INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **PSP GROUP, LLC D/B/A PET SUPPLIES PLUS** should be severed into the next available case number.
- Plaintiff's claims against Defendant **RITZ INTERACTIVE LLC** should be severed into the next available case number.

**It is FURTHER ORDERED** that Plaintiff pay the required filing fee for each additional cause number within **fourteen (14) days** of the date of this Order. Failure to timely pay the filing fee will result in a prompt dismissal without prejudice of that case. *See Johnson v. Atkins*, 999 F.2d 99, 100 (5th Cir. 1993) ("Filing fees are necessary to pay the administrative costs of litigation and, in part, to discourage baseless suits.").

**It is FURTHER ORDERED** that the current Scheduling Order shall apply to all severed cases.

**It is SO ORDERED.**

**SIGNED this 28th day of August, 2012.**

  
MICHAEL H. SCHNEIDER